

REMARKS

The Applicants do not believe that examination of the foregoing amendment will introduce new matter into the present application for invention. Therefore, the Applicant, respectfully, requests that the above amendment be entered in and that the claims to the present application, kindly, be reconsidered.

The Office Action dated September 22, 2004 has been received and considered by the Applicants. Claims 1-21 are pending in the present application for invention. Claims 1-6, 9, and 11 are allowed. Claims 7, 8, 10, and 12-21 are rejected by the September 22, 2004 Office Action. The Examiner objects to claims 8 for having an incorrect status identifier. The present presentation of Claim 8 corrects this oversight.

The Office Action rejects Claims 7, 8, 12-16 and 19-21 under the provisions of 35 U.S.C. §102(b) as being anticipated by PCT WO 99/11064 issued to Linnartz et al. (hereinafter referred to as Linnartz et al.).

Regarding Claim 7, the Examiner states that Linnartz et al. disclose the limitations associated with a method of exchanging copy protection information regarding an information carrying medium between a reading and application device. The Examiner's position is that the Hash functions described on pages 11-12 of Linnartz et al. disclose the subject matter defined by rejected Claim 7. The Applicants would like to, respectfully, point out that the fifth embodiment of Linnartz et al. described on pages 11-12 disclose that the decoder (application) device derives characteristics related to but there is no disclosure or suggestion for the drive (reading device) to derive the characteristic of the content (Hash values). The foregoing amendment to Claim 7 clearly defines that the reading device derives the first characteristic. Linnartz et al. specifically teaches that a MPEG encoder computes the set of Hashes and provides these values to the drive to alleviate the drive from the burden of checking Hashes (see page 11, lines 31-33). The drive informs the MPEG decoder which Hash to compute, however, there is no derivation of these values by the drive. Moreover, the Hash value determined by the drive is done at random. The drive simply picks a value at random and does not derive the Hash value. There is no "derivation" by from the reading device (drive) discloses or suggested by Linnartz et al. Therefore, Claim 7 as amended is believed to be allowable

over the cited references.

Regarding Claim 8, the Examiner states that Linnartz et al. disclose the subject matter defined by rejected Claim 8. The foregoing amendment to the claims has modified Claim 8 to distinguish Claim 8 from the teachings of Linnartz et al. The rejection to Claim 8 contained within the Office Action is similar in scope to the rejection of Claim 7 discussed above. There is no disclosure or suggestion Linnartz et al.) for the drive (reading device) to derive the characteristic of the content (Hash values). The foregoing amendment to Claim 8 clearly defines that the reading device derives the first characteristic. Linnartz et al. specifically teaches that a MPEG encoder computes the set of Hashes and provides these values to the driver and the decoder to alleviate the driver and the decoder from the burden of checking Hashes (see page 11, lines 31-33). The drive informs the MPEG decoder which Hash to compute, however, there is no derivation of these values by the drive. The Hash value determined by the driver is done at random. The drive simply picks a value at random and does not derive the Hash value. There is no "derivation" by from the reading device (drive) discloses or suggested by Linnartz et al. Moreover, there is no derivation of the Hash value (characteristic) by the decoder as taught by Linnartz et al. The decoder simply used the indicia "i" provided by the driver to retrieve the Hash value from a list provided by the MPEG encoder. Therefore, Claim 8 as amended is believed to be allowable over the cited references.

Regarding Claims 12-13, the Examiner states that Linnartz et al. disclose the subject matter defined by Claim 12 and 13. The Applicants would like to, respectfully, point out that the foregoing amendment to the claims has modified independent Claim 12 to recite the subject matter of the "determining whether the characteristic is derivable" from the content of the information transmitted. The Applicants, respectfully, submit that this amendment clearly distinguishes the subject matter defined by Claims 12 and 13 from the teachings of Linnartz et al. There is no disclosure, or suggestion, within Linnartz et al. for determining whether the characteristic is derivable from the contents of the information that was transmitted. Therefore, the Applicants, respectfully, assert that Claims 12 and 13 after the amendment are allowable over the teachings of Linnartz et al.

Regarding Claims 14-16, the Examiner states that Linnartz et al. disclose

the subject matter of Claims 14-16. The Applicants would like to draw the Examiner's attention to the above forging responses. Claim 14 defines subject matter for the deriving of a first characteristic from a first portion of a first information signal in a first apparatus. The Applicants respectfully submit that there is no disclosure or suggestion for deriving a first characteristic from a first portion of a first information signal in the driver as taught by Linnartz et al. The Applicants, respectfully, submit that Claim 14 defines subject matter that is not taught or suggested by Linnartz et al. Therefore, the Applicants, respectfully, submit that Claim 14 is allowable over Linnartz et al. Claims 15 and 16 depend from and further narrow and define Claim 14, therefore, Claims 15 and 16 are also believed to be allowable.

Regarding Claims 17-18, the Examiner states that Linnartz et al. in Fig. 5 disclose the subject matter of Claim 17 and 18. The Applicants would like to, respectfully, draw the Examiner's attention to the foregoing amendment to Claim 17 that has been made to recite subject matter processing means for determining whether the characteristic is derivable from the transmitted portion. The Applicants respectfully submit that there is no disclosure or suggestion within Linnartz et al. processing means for determining whether the characteristic is derivable from the transmitted portion of the information. Therefore, Claims 17 and 18 are believed to be allowable over the teachings of Linnartz et al.

Regarding Claims 19 and 20, the Examiner states that these claims are anticipated by Linnartz et al. for the reasons states in the above discussed rejections. The Applicants would like to, respectfully, draw the Examiner's attention to the elements for "processor means for deriving a second characteristic depending on the content of the transmitted portion of the information and for comparing the first characteristic with the second characteristic and for terminating transmission of further portions of the information depending on the comparison". The Applicants respectfully submit that there is no disclosure or suggestion within Linnartz et al. processor means for deriving a second characteristic depending on the content of the transmitted portion of the information and for comparing the first characteristic with the second characteristic and for terminating transmission of further portions of the information depending on the comparison. Therefore, Claims 19 and 20 are believed to be allowable over the teachings of Linnartz et al.

Regarding Claim 21, the Examiner states that this claim is anticipated by Linnartz et al. for the reasons states in the above discussed rejections. The foregoing amendment to Claim 21 recites subject matter for the transmitter including means for determining whether the characteristic was derivable from a portion of the transmitted information.

The Applicants respectfully submit that there is no disclosure or suggestion within Linnartz et al. for the transmitter including means for determining whether the characteristic was derivable from a portion of the transmitted information. Therefore, Claim 21 is believed to be allowable over the teaching of Linnartz et al.

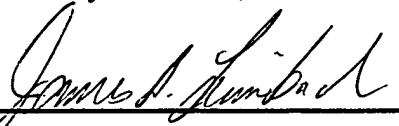
The Office Action rejects Claim 10 under the provisions of 35 U.S.C. §103(a) as being obvious over Linnartz et al. in view of U.S. Patent No. 5,915,027 issued to Cox et al. (hereinafter referred to as Cox et al.). The Applicants would like to, respectfully, point out that Claims 10 defines subject matter for an application device that continuously reports to the reading device a characteristic received by the application device. Claim 10 further defines a verification unit that receives characteristics transmitted by the reading device to the application device and verifies the characteristics by comparison. The Applicants would like to, respectfully, point out Linnartz et al. do not disclosure or suggest, a verification unit that receives characteristics transmitted by the reading device to the application device and verifies the characteristics by comparison. Linnartz et al. only disclose that a characteristic is reported by the application device. There is no verification unit that receives characteristics transmitted by the reading device to the application device and verifies the characteristics by comparison disclosed, or suggested, by Linnartz et al. Therefore, this rejection is, respectfully traversed.

Claims 1-6, 9, and 11 are allowed over the art of record.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

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on: January 22, 2005

(Mailing Date)

Signature: 

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